IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL Nos 472 to 477 of 2002

in

SPECIAL CIVIL APPLICATION Nos 2168 to
SPECIAL CIVIL APPLICATION Nos. 2173 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? :

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BANASKANTHA DISTRICT CENTRAL COOPERATIVE BANK LIMITED
Versus
VIRAMBHAI NEMABHAI MAKWANA

Appearance:
Mr.K.S.Nanavati, Senior Advocate for NANAVATI ASSOCIATES for the Appellant in matters.
MR ASHISH H SHAH for the Respondents in all matters.

CORAM : MR.JUSTICE J.N.BHATT
and

MR.JUSTICE KUNDAN SINGH

Date of decision: 23/07/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit, service of which is waived by the learned advocate Mr. Ashish H. Shah on behalf of the respondents. Upon joint request, the matter is taken up for final hearing today itself in view of the peculiar facts and circumstances emerging from the record of the present case.

2. The learned Single Judge has directed for remand to the Labour Court, Palanpur for hearing and decision on merits so far as the claim of the applicants for the purpose of re-employment is concerned with liberty to lead evidence. Upon joint request, it was submitted before us that iniitial case of reinstatement and subsequent case of re-employment both are required to be considered in light of the plea of limitation and other relevant provisions of law. Therefore, the impugned order remanding the matter to the Labour Court is required to be modified by adding the following direction.

The original applications shall stand remanded to the Labour Court, Palanpur for hearing and decision on merits relating to reinstatement and re-employment issue and the issue of limitation. The impugned order shall stand modified to that extent. The appeals shall stand disposed of upon consensus without any order as to costs.

(J.N.Bhatt,J)

(Kundan Singh,J)

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